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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,963	06/16/1999	NAOKI TAKAOKA	1982-0127P	4777

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EXAMINER
LAROSE, COLIN M

ART UNIT	PAPER NUMBER
2623	9

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/333,963	TAKAOKA, NAOKI	
	Examiner	Art Unit	
	Colin M. LaRose	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8,11-13,16-18 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8,11-13,16-18 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 August 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Arguments and Amendments

1. Applicants' arguments and/or amendments filed 19 August 2002, have been entered and made of record.

Drawings

2. The corrected or substitute drawings were received on 19 August 2002. These drawings are accepted.

Response to Amendments and Arguments

3. Applicant's arguments with respect to claims 5-8, 10, 14, 15, 19, and 20 and "Radio Buttons" have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant requests clarification as to where the features of the original claim 1 have been met by the Kubo device.

Elements 32, figure 1 are "necessary image processing means"; an inherent feature of all image processing systems is the conversion of raw image data to a format compatible with the computer so that the computer can operate on the data. Scanners, as was common in the art at the time the invention was made, perform the process of converting reflected visible light into a computer-readable format. In addition, Kubo expressly discloses a conversion portion (element 40, figure 2) that must process the image before it is output to other processing and storage means 42 and 44. These are "necessary" processes.

Figure 4 exemplifies the "special image processing means," which are carried out by CPU 14, figure 1. Image data designated in the image display area 68, figure 4 is optionally processed by changing the size, color, etc. of the image by a user using the mouse pointer 60 to select a process. These are "special" processes.

Mouse 24, figure 1 is the "instructing means." The mouse is used by the user to instruct which special processes are to be carried out.

Double Patenting

5. Applicant is advised that should claim 1 be found allowable, claim 22 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 3, 8, 11, 13, 16, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo and U.S. Patent 5,845,122 by Nielsen et al ("Nielsen").

Regarding claims 1 and 22, Kubo discloses an image processing apparatus (figure 1) for processing an image recorded on a recording medium, said image processing apparatus comprising:

an image reading device (elements 32, figure 1) for reading the image recorded on the recording medium as digital image data, subjecting the read digital image data to predetermined image processing (conversion portion 40, figure 2 subjects the image data to processing using a look-up table that was previously set (column 13, line 2)), and outputting processed image data (conversion portion 40, figure 2 outputs processed image data to memory 42 or correcting portion 44);

means for carrying out a necessary image processing on all of the image data read by the image reading device (conversion portion 40, figure 2 carries out necessary processing on all the data read by scanner 32);

means for carrying out a special image processing on the image data read by the image reading device, the special image processing being specially designated by an operator request (figure 4 is a user interface for allowing a user to use a cursor 60 to designate special processes to be carried out by the CPU 14, figure 1); and

means for instructing the special image processing to be carried out by said special image processing means (mouse 24, figure 1 is means for the user to instruct the processes to be carried out).

Kubo is silent to the instructing means wherein unsuitable combinations of image processings are prohibited from being executed on the image by said special image processing means, said unsuitable combinations of image processings being at least a combination of image processings from said instructing means that is mutually opposite or erroneous

Nielsen discloses a user-interface tool (figure 6) that prohibits mutually exclusive options from being carried out. The tool, known as radio buttons, presents the user with a list of mutually

exclusive options. The user may select any successive combination of options, however, Nielsen's tool prevents more than one option from being executed when a user selects multiple options. Thus, a novice user or the like is prevented from erroneously or negligently executing two or more options that are mutually exclusive (column 2, lines 3-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kubo by Nielsen in order prohibit unsuitable combinations of mutually opposite instruction from being executed since Kubo discloses a graphical user interface (figure 4) for selecting special processings to be carried out, wherein some of the special processings such as enlarging and shrinking (73) are mutually exclusive, and Nielsen teaches that, in a graphical user interface setting, radio buttons are used to prevent unsuitable combinations of options to be executed by allowing a user to only select one option at a time (column 1, lines 55-57).

Regarding claim 8, the modification to Kubo by Nielsen teaches that a special image processing instructed last is given priority and a special image processing instructed first is cancelled (column 1, lines 58-60) when the unsuitable combination of special image processings has been instructed by said instructing means.

Regarding claim 3, Kubo discloses special image processing means that includes an image structure effects for correcting the overall structure of an image, color reproduction effects for correcting the color tone of the image, and special effects for performing a variety of special processings (figure 4).

Regarding claims 11 and 13, figure 4 of Kubo provides a visual means (element 68) to notify the operator of the special image processings that have been instructed.

Regarding claims 16 and 18, Kubo discloses the use of a monitor (element 30, figure 1) that can display an image in a plurality of display states (elements 86-87, figure 8) and an instruction menu (element 84, figure 8) corresponding to image processings that is made to be valid only when the corresponding image is displayed on the

monitor (column 21, lines 29-33). Thus, the image processings activated by the menu buttons must match the display state for any instructions to be considered valid.

8. Claims 2, 4, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo and Nielsen in view of Nealon.

Regarding claim 2, Kubo discloses an instructing means that gives instructions based on a user's manipulation of a mouse (element 24, figure 1) or a keyboard (element 22, figure 1).

Kubo is silent to a system in which a customer provides, to the instructing means, a recording medium containing order information.

Nealon discloses a method by which a customer presents instructions in accordance with a recording medium, which contains encoded order information. "Customer comments and order instructions are recorded magnetically on the film" (column 7, lines 32-34), and the information is transmitted to an order entry station (column 7, lines 37-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kubo by Nealon since inputting a recording medium containing order information to an instructing means is functionally equivalent to inputting order information by a mouse or a keyboard in that both methods accomplish the task of providing instructions.

Regarding claim 4, Kubo discloses special image processing means that includes an image structure effects for correcting the overall structure of an image, color reproduction effects for correcting the color tone of the image, and special effects for performing a variety of special processings (figure 4).

Regarding claim 12, figure 4 of Kubo provides a visual means (element 68) to notify the operator of the special image processings that have been instructed.

Regarding claim 17, Kubo discloses the use of a monitor (element 30, figure 1) that can display an image in a plurality of display states (elements 86-87, figure 8) and an instruction menu (element 84, figure 8) corresponding to image processings that is made to be valid only when the corresponding image is displayed on the monitor

(column 21, lines 29-33). Thus, the image processings activated by the menu buttons must match the display state for any instructions to be considered valid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML
Group Art Unit 2623
11 September 2002